

REMARKS/ARGUMENTS

Claims 198, 203-204, 213-214, 216, 219-220, and 222-223 are pending in the present patent application. Claims 1-197, 199-202, 205-212, 215, 217-218, 221 and 224-240 were previously canceled without prejudice.

Present Application Entitled to Priority Date of December 22, 1993

Applicant previously argued that the Kara reference is inapplicable, given the earliest priority date of December 22, 1993 for the present application. The Examiner asserted in the previous Office Action that the earliest priority date would be June 10, 1997, given the recitation of postage related subject matter in the dependent claims of the present application. In the subsequent Response dated July 24, 2003, Applicant canceled without prejudice those dependent claims having postage related subject matter, namely claims 199, 201-202, 205-212, 215, 217-218, 221 and 224-227. In view of the foregoing, Applicant submits that the December 22, 1993 priority date is applicable to the remaining claims (i.e., pending claims 198, 203-204, 213-214, 216, 219-220 and 222-223).

New Action is Appropriate Because Applicant is Unfairly Prejudiced by Patent Office Oversight with Respect to Amendments in Applicant's Prior Response

The present Office Action does not acknowledge the cancellation of claims in the prior Response of July 24, 2003. As a result of this oversight, the Examiner has repeated the same assertion that the 1993 priority date is inapplicable to the

present application, and has repeated the rejection of claims 199 and 201-227 (some of which are no longer pending) under 35 U.S.C. 103, based on a combination of Cordery and Kara.

As the present Office Action is final, Applicant is substantially restricted as to the scope of any claim amendments that may be made to address specific rejections. Specifically, in making amendments to the independent claims, Applicant is restricted to the subject matter residing in the dependent claims of the present application. Under the present prejudicial circumstances, Applicant is now effectively denied any opportunity to respond with amendments or arguments because the status of the dependent claims is uncertain.

The dependent claims are subject to a 35 U.S.C. 103 rejection that is improper because the Patent Office did not consider Applicant's prior amendments before issuing this final Action. Specifically, the 103 rejection is invalid if Kara is eliminated as prior art by Applicant's prior amendments. Until and unless the Examiner considers the previous amendment, it is unclear whether the pending dependent claims are subject to a 35 U.S.C. 103 rejection or not. Due to the uncertain status of the dependent claims of the present application, Applicant is prevented from fairly addressing all rejections in this action.

Applicant submits that, as a matter of right, Applicant is entitled to a new Action which duly recognizes the amendments of the prior Response, and sets forth in certain terms the status of the remaining claims such that Applicant's ability to respond is not inappropriately encumbered.

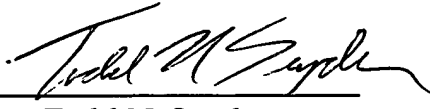
Conclusion

Applicant requests that the present Office Action be rescinded so that the full effect of the prior Response, including cancellation of claims, may be considered by the Examiner. Applicant further requests that a new Office Action be issued which takes account of the cancelled claims, and provides Applicant with a fair opportunity to respond.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450:

 April 6, 2005
Signature: Todd N. Snyder Date: